

**RECORDS MANAGEMENT COMMITTEE**  
City Manager's Conference Room, 8th Floor, City Hall  
400 Stewart Avenue, Las Vegas, Nevada  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

**June 29, 2001**  
**1:30 p.m.**

**CALL TO ORDER:** City Clerk Ronemus called the meeting to order at 1:33 p.m.

**ATTENDANCE:** Barbara Jo (Roni) Ronemus, City Clerk  
Doug Selby, Deputy City Manager  
John Redlein, Assistant City Attorney (Arrived 1:45 P.M.)  
Joseph Marcella, Director, Information Technologies  
Richard Goecke, Director, Public Works  
Sharon Kuhns, Records Administrator  
Deeny Araujo, Deputy City Clerk

**EXCUSED:** Mark Vincent, Director, Finance & Business Services  
Radford Snelding, City Auditor

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board  
Senior Citizens Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Pkwy  
Court Clerk's Bulletin Board, City Hall  
City Hall Plaza, Posting Board

(1:39)

**1-1**

**BUSINESS:**

A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF JUNE 8, 2001.

**GOECKE - Motion to APPROVE – MARCELLA - seconded the motion – UNANIMOUS with Vincent, Snelding and Redlein excused**

(1:40)

**1-26**

**B. DISCUSSION AND POSSIBLE ACTION ON COMMENTS RECEIVED ON THE DRAFT PUBLIC RECORDS ACCESS POLICY AND PROCEDURE/PROPOSED RESOLUTION.**

Sharon Kuhns, Records Manager, advised that all Items B, C and D on the agenda were abeyed from the previous meeting. Chair Ronemus noted that this item was held for additional input from the Public Information Office. Changes recommended at the last meeting were made in blue. The change on Page 4 was requested by Building and Safety. Completing the form will make life easier. The change on Page 5 was reviewed by the Committee and the suggestion was to use the same language contained in the fourth bullet on Page 6. However, that created a duplication. Chair Ronemus confirmed that everyone was comfortable with keeping the language consistent on both pages without the duplication. It has been confirmed that the three working days for copying from microfilm is governed in Nevada Revised Statutes. The City does have discretion over a one day response.

Chair Ronemus verified that there was no opposition to Mr. Riggleman's suggestion that responses to media requests outlined on Page 5 include notification to the Public Information Office. Deputy City Manager Selby pointed out that the City does want to be as responsive as possible whenever possible.

Chair Ronemus moved to the bottom of Page 6 which states that non-routine requests from the media would be forwarded to the Office of Communications who would coordinate the compilation of information and provide it to the media. Questions by individual Department Public Information Officers should directed to the Director of Communications. Mr. Marcella suggested that the word "please" be removed inasmuch as this is the procedure.

Chair Ronemus read the recommended change on Page 7 regarding the payment of information at the location of the Division. That also appears on Page 8 and is deleted from the Fees on Page 9. Mr. Marcella noted that where the payment is made is not significant. The concern was raised that off-site pickup could result in fees being inadvertently waived by another division or department. Chair Ronemus advised that it will never be possible to make money responding to information requests and probably not even recover the cost of responding. Ms. Kuhns pointed out that the records from Mr. Wilkins' office are specific to his area. Chair Ronemus added that they will also pertain to Mr. Riggleman. There was discussion on the impact of information technologies on electronic records, regardless of the originating Department. Chair Ronemus stressed that this is the situation which generated her question as to when the record to be retained is created. Mr. Marcella answered that there may be records in process, but they only become a final document when completed. Ms. Kuhns noted that someone can request information throughout the process, the information can be supplied without it being a record. It is information/data versus a record. The permanent record would be after complete sign-off and total completion.

Chair Ronemus created an example where an individual requests a copy of the electronic document which would reflect the current status, even though the document would not be finalized. It would be a print of an electronic screen. Deputy City Manager Selby discussed with Chair Ronemus that inasmuch as the information would still be undergoing rapid changes and would not be a readily available medium, it would not be provided. Mr. Marcella explained that

the way Hanson works is the document is not available until someone tells the system the document is finalized, at which time it is stored in a permanent repository. Such a document may be checked out of the library and placed back in the system, but things appear pretty well covered as defined.

Mr. Goecke raised the issue of routine versus non-routine. Does that language refer to the request or the response. Ms. Kuhns answered that if all the information is available within the Department, it is routine. Assistant City Attorney Redlein added that anything more than eighteen months old could be in storage, making the request extraordinary. Chair Ronemus advised that routine is anything within the Department, non-routine is inter-Departmental and extraordinary is in the office and requires extensive work or research to obtain the record.

Assistant City Attorney Redlein suggested that alternative language might clarify the intent behind the categories. Chair Ronemus concurred that the language has caused some confusion and other language might work better for other Departments. However, this is the Committee's last chance to select clear language. Routine is acceptable. Using multi-departmental repeats the language within the definition itself. Assistant City Attorney Redlein added that the information is to be filled in by the requestor who will never see the procedure manual. Therefore the designation between routine, non-routine and extraordinary should go below the line on the form along with other information to be provided by the City. Regardless, non-routine remains confusing.

Mr. Goecke agreed that the interpretation will be made by someone other than a Committee member and should be as clear as possible. Assistant City Attorney Redlein suggested multi-departmental and then alter the definition. He recommended language to the effect that "if a public record request involves production of documents from multi-departments, those requests shall not be regarded as routine and must be directed to the Office of the City Clerk". Mr. Marcella countered that the existing language references the level of effort in retrieving the information requested. Resource intensive is extraordinary, non-routine utilizes additional staff and routine requests are available records. Deputy City Manager Selby suggested that non-routine and extraordinary could be combined into one category with subsets. Chair Ronemus replied that the categories were to create a clear standard where the request would have to be shipped to the Clerk when dealing with a multi-departmental request. Ms. Kuhns noted that there are also types such as media requests and enterprise requests. Requests could also be divided up by cost.

Assistant City Attorney Redlein agreed with Deputy City Manager Selby that routine would represent those records readily available. All others could be those which involve multi-departmental or require a lot of compilation. Each category would have a separate note for media contact. Chair Ronemus stressed that the titles may be incorrect and non-routine should follow extraordinary. Multi-department could also include extraordinary requests. It was confirmed that non-routine would be replaced globally by multi-departmental. Routine and extraordinary would remain unchanged.

The Committee resumed its review of changes. Page 8, Paragraph 2, shall include "payment in full of the minimum estimated amount will be required to process the request" pursuant to the request of Building and Safety.

The change requested by Mr. Rigglesman on Page 8, Paragraph 3, to notify the requestor of the fees involved was predominantly suitable. Assistant City Attorney Redlein requested that the word payment be replaced by "paid for" on Pages 7, 8 and 9.

Chair Ronemus introduced review of the generic public records request form and copyright language. However, rather than change the form, she included the information under the overview area. This will inform Departments with copyright materials but will not apply to the majority of Departments. The purpose was to get a concept before the Committee. Assistant City Attorney Redlein requested that the word in the third line be changed from "may contain" to "should contain". Also the last three lines could be modified to strike out "for the purpose of" within the sentence for any other purposes other than and put quotation marks around "criticism, news reporting, teaching, scholarship or research". That clarifies that the language comes from another authoritative source. The federal statute could even be referenced.

Chair Ronemus confirmed that the routine/multi-departmental language will be modified and relocated below the line to be completed by City staff. Assistant City Attorney Redlein questioned why requestors must be warned that their request shall be a public record. That type of warning may discourage requestors or cause them to balk. It is very convenient to have that information from the request forms. Chair Ronemus answered that the individual does not have to provide personal information but there has been a situation in the past where the media requested a copy of a request form. The requestor called very upset that their phone number was released. Financial disclosure and candidacy forms clearly state that unlisted phone numbers should not be included for that very reason. The warning was very important in that instance. The Clerk's office frequently has to notify requestors that their records are ready. Deputy City Manager Selby suggested that the word optional could be added to the form. Chair Ronemus indicated that doing so could create problems. A form is not required for a request.

Assistant City Attorney Redlein recommended that staff be trained in order to avoid providing the information on the request form. Lastly, remove the word "name" on the request form and add "how may we contact you" with a line rather than personal information. Deputy City Manager Selby supported such a change as more public-friendly. Chair Ronemus and Assistant City Attorney Redlein discussed including a request date and the possible confusion with a requestor providing the date when the material is needed rather than the date the request is being made.

Assistant City Attorney Redlein requested that the note be removed and start the sentence with "this form" is a public record. Basically it appears to be a good, tidy form. To have exactly what they want in their own writing can be very beneficial. With regard to the resolution, the order from the discovery master regarding costly photographs was that the statute prevents the inclusion of basic salary into the cost to be charged. Chair Ronemus pointed out that a concern had been raised that review of records is available without charge even though an employee must be present during the review, eliminating any employee productivity during the review. However, that is what the law requires. If the employee is not present, the record could disappear. Thereafter if a request is made for the record with which we cannot comply, the City is involved in an entirely different situation. The alternative is to put the records into electronic

format. Then requestors can do their own research. Ms. Kuhns pointed out that the law does not address time, but rather speaks of extraordinary use of time.

Assistant City Attorney Redlein commented that the resolution which charges one dollar per page obviously includes reimbursement toward staff costs. Chair Ronemus replied that the 1997 law provides the exception where an entity has adopted a resolution where the fee does not exceed the cost for providing the record. No fee may be charged where law or regulation requires that the record be provided without charge. Fees and charges may be waived subject to such resolution posted in a public place. Assistant City Attorney Redlein pointed out that the State obviously permitted inclusion of staff costs which the discovery master excluded.

Chair Ronemus advised the Committee that there will be a City Manager Informational Report summarizing the Committee's work, recommendation to Council for the resolution and any other material which the Committee would like to see submitted to the City Manager.

Chair Ronemus confirmed that this is the final document, end of the road. This is the last action on the policy, procedure and resolution.

There was no further discussion.

**SELBY - Motion to approve and finalize the amended Public Records Access Policy and Procedure, and forward the Resolution to Council - MARCELLA - seconded the motion - UNANIMOUS with VINCENT and SNELDING excused**

(1:41 – 2:32)

**1-38**

**C. DISCUSSION AND POSSIBLE ACTION ON A PROPOSED PLAN OF ACTION AND PROCEDURE FOR REVIEW AND APPROVAL OF SUBMITTED RETENTION SCHEDULES FROM CITY DEPARTMENTS.**

Ms. Kuhns reported that this item came forward from the June 8, 2001 Committee meeting and included are bullet points on the Records Management Administrator's duties and manner of interface with Departments on retention schedules prior to submission to the Committee. Review of the schedules and annual reviews still need to be addressed but must wait until finalized schedules are available. Chair Ronemus and Ms. Kuhns discussed that schedules are still outstanding from Department of Communications, City Council, Administrative Services and the schedule by Karen Coyne for the Marshals Division of Detention and Enforcement is in the process of being completed. Deputy City Manager Selby questioned the response from those with outstanding schedules. Ms. Kuhns replied that a delegate needs to be appointed for the Department of Communications. City Attorney's schedule is in draft but has not been finalized by Beth DiFiore. Chair Ronemus advised that the City Clerk's office is updating its schedule in relation to the Office of Primary Responsibility designations that have been established, updating and reviewing lists for accurate identification and retention.

Chair Ronemus confirmed that it was not the intent of the Committee to review each individual retention schedule. Assistant City Attorney Redlein pointed out that it would be unlikely that the Committee would make changes or oppose the proposals on a schedule.

Ms. Kuhns summarized her trip to Reno for the Nevada Electronic Records Committee who has identified and defined the term "Custodian of Records". There are specific duties and responsibilities, but only in relation to electronic records. A primary responsibility of the custodian is the certification of an electronic record. Certification authenticates that the record is a true reflection of what the record is. It is a big responsibility for the end user. Mr. Marcella added that there are trusted agents that act as such custodians. Ms. Kuhns advised that there is existing software that can recognize what is going on, add three questions and then authenticate the record. This is close to having the creating person on the end certifying the record. That makes sense, but in reality who will actually be able to do that. The question is does the Committee want to change the terminology from "Office of Primary Responsibility" to "Custodian of Record". It could equate to the same thing, but it would only apply to paper records in the case of the City of Las Vegas.

Chair Ronemus questioned whether the change was significant. Ms. Kuhns answered that it would actually have greatest impact in the case of a subpoena for records. Assistant City Attorney Redlein described the Code which governs discovery. The Code only applies to the witness having sufficient knowledge to get the record into evidence. The subpoena talks about a person with responsibility, knowledge or access and more than just custodian of record. The phrase "custodian" is a broad, catchall phrase. Mr. Marcella suggested the use of the language since it will eventually have to be changed anyway. The exception would be if someone with this title were designated as being responsible for electronic records. Deputy City Manager Selby noted that he interprets custodian as an individual versus office of primary responsibility as a department. Ms. Kuhns concurred that such an interpretation would be especially true of many circumstances involving Finance and the City Clerk's office.

Assistant City Attorney Redlein summarized a scenario where a "custodian" could actually not be a quality witness despite access to documentation. Chair Ronemus commented that, given the scenario, perhaps the title record delegates should be changed to custodian of record for their department. Based on that change, the specific tasks and responsibilities being assigned to a department custodian of records would be beneficial as well. Perhaps the Committee should look at that in the future. Deputy City Manager Selby suggested that Human Resources could be consulted regarding inclusion into various job descriptions to avoid a possible grievance. Assistant City Attorney Redlein stated that many job descriptions would contain the overall activity and this would simply add a different name to that described function.

Chair Ronemus confirmed that pending Ms. Kuhns' finalization of the retention schedules and submission to the State, the schedules will not be able to go before Council for adoption.

There was no further discussion.

**GOECKE - Motion to approve the plan of action and procedure for the review of the retention schedules – MARCELLA - seconded the motion – UNANIMOUS with Vincent and Snelding excused**

(2:32 – 2:48)

**1 - 1797**

**D. UPDATE, DISCUSSION AND POSSIBLE ACTION ON REVISION OF MUNICIPAL CODE CHAPTER 2.60 RECORDS MANAGEMENT.**

Chair Ronemus verified that not all the Committee members had reviewed the revisions to the Code and suggested that the item be abeyed so that the Committee could prepare for some indepth discussion. The Committee will need to be extremely conversant with existing Code, proposals and changes. A bill format was utilized for easy review and tracking of changes recommended in the past. It was her recollection that the proposed changes were mostly via discussion and not by actual motion. Assistant City Attorney Redlein confirmed with Ms. Kuhns that the changes were initially addressed November 16 and December 10, 1999, April 27, August 9 and 23, 2000. Chair Ronemus and Ms. Kuhns explained that there are additional sections which have not yet been addressed. One of those sections includes the Clerk's responsibilities.

Deputy City Manager Selby pointed out that the composition of the Committee has already changed once, but perhaps it should change again because certain functions previously under the jurisdiction of Public Works now fall under Field Operations. Mr. Goecke advised that the General Services aspect was to cover purchasing aspects. Mr. Marcella noted that the Council might also make changes.

Chair Ronemus stated that the Committee should approach this with a fresh eye. Assistant City Attorney Redlein concurred, adding that this would be a simple chore for the next agenda.

**SELBY - Motion to hold in abeyance to July 20, 2001 meeting – MARCELLA - seconded the motion – UNANIMOUS with Vincent and Snelding excused**

(2:48 – 2:57)

**1 - 2489**

**CITIZENS PARTICIPATION:**

None.

**ADJOURNMENT:**

**REDLEIN - Motion to ADJOURN – MARCELLA - seconded the motion – UNANIMOUS with Vincent and Snelding excused**

The meeting adjourned at 2:57 p.m. (1 – 2829)

/vwd